

McNamara Declaration

Exhibit 173

From: Alan Harvey
Sent: Saturday, March 28, 2020 7:26 PM EDT
To: Chris Freeland
Subject: Fwd: IA and SUP

Chris,

You and I have spoken in the past, so I thought it only fair to send you some context. You weren't copied on Chris Butler's note, but thought you should see it, and my response. A week or so ago there seemed to only be a handful of our titles available on IA. Now there are over 1500, which is entirely unacceptable. Moreover, proceeding this way, without any consultation at all, has thoroughly alienated virtually the entire publishing industry. You're going to have to do an awful lot from here to gain anyone's trust. Including mine. And it should start by taking our content down immediately.

I've already been in touch with our general counsel. I'm hoping not to need to engage them, but will do so next week if the titles don't come down quickly.

As additional background for you, we have all been voluntarily working with EBSCO, ProQuest, JSTOR, Overdrive, etc., to open up access to our content. This was done by mutual agreement and on terms we all found acceptable, varying by publisher. IA simply grabbed everything without any discussion and the bad will is now oozing through us all.

Alan

Begin forwarded message:

From: Alan Harvey [REDACTED]@stanford.edu>
Subject: Re: IA and SUP
Date: March 28, 2020 at 4:05:14 PM PDT
To: Internet Archive <info-reply@archive.org>
Cc: Greta Lindquist [REDACTED]@stanford.edu>

Chris,

A simple search of the metadata for "Stanford University Press" pulls up over 1500 titles, virtually all of which are still in print, still for sale, and still under copyright.

We are not required to provide you with a complete list in order for you to undertake a removal of these titles. They are all in direct violation of copyright laws and I request that they be removed immediately.

We will check on the site regularly to see what is still live, and we expect you to put a system in place to ensure that none of these titles is re-posted by a different user.

I am reaching out to Stanford's General Counsel this weekend to ensure that this violation is registered and the takedown is enforced,

Alan

On Mar 28, 2020, at 2:01 PM, Internet Archive <info-reply@archive.org> wrote:

Dear Alan,

Thank you for emailing us. I would like to assist in processing your request. Would it be possible to get a spreadsheet of titles with ISBNs and/or archive.org identifiers? This would be helpful for the process - e.g., where there are imprints we might not readily recognize or for avoiding removal of any works in the public domain or for which rights have otherwise shifted.

We will perform a good faith effort to remove all editions based on your list from the National Emergency Library and inform you when this has been undertaken.

Sincerely,
Chris Butler
Office Manager
archive.org

On 3/26/20 12:34 PM, Chris Freeland wrote:

Dear Alan, I'm cc:ing info@archive.org, which handles takedown requests.

Chris

--

Chris Freeland
Director of Open Libraries
Internet Archive
[REDACTED]@archive.org
@chrisfreeland
[REDACTED]

On 3/26/20 2:28 PM, Alan Harvey wrote:

Dear Chris,

I am making a formal request to exclude all Stanford University Press content from the National Emergency Library that is being created at the Internet Archive. I do not see much SUP content on there right now, but do not wish to have any new content added.

We do not grant those rights to our content, and do not agree that the current coronavirus emergency constitutes an argument for copyright violation.

To support the community during this crisis, we are in the process of making all our content more liberally available through the existing library aggregators, and responding to individual requests for content access.

Best,
Alan

===

Dr Alan Harvey

Director
Stanford University Press